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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,685	09/17/2003	Masatake Ohmori	2271/71085	8242

7590 08/26/2005  
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EXAMINER

GLEITZ, RYAN M

ART UNIT PAPER NUMBER

2852

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,685	OHMORI, MASATAKE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ryan Gleitz	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 9-13, 22-26 and 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 14-19 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 20, 21, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/17/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I in the reply filed on 20 June 2005 is acknowledged. The traversal is on the ground(s) that since Groups I-III are subcombinations usable together, they cannot be independent, and the search for one group will turn up relevant references for the other group. This is not found persuasive because Groups I-III while related, have separate classification, and with respect to the subject matter where they are classifiable together show separate status in the art.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 14-16, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Imaizumi et al. (US 6,327,453).

Imaizumi et al. disclose a color-image forming device including a color-image forming unit (K, Y, M, C) for forming a color image by superimposing a plurality of images corresponding to a plurality of colors onto a recording medium. Registration correction Unit (406) is an automatic color-drift correction unit for executing a correction of color drift generated during the superimposition of the images.

The registration correction process is executed at predetermined time intervals (col. 10, lines 12-16). This reads on a color-drift correction execution interval setting unit for variably setting color-drift correction execution intervals, at which color-drift correction execution intervals the automatic color-drift correction executes the color-drift correction.

Regarding claims 2 and 15, S35 in figure 6 is a color-drift correction execution time setting unit for setting a color-drift correction execution time.

Regarding claims 3 and 16, referring to figure 6, the registration correction can be performed during warm up, prior to entering preheat, when the paper is empty, after a predetermined time, or after a number of image formations. These are all modes in which the automatic color-drift correction is capable of executing the color-drift correction.

Regarding claims 27-29, the automatic color-drift correction unit also reads on a method for controlling color-drift correction timing.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2852

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 17, 18, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imaizumi et al. (US 6,327,453) in view of Tanaka et al. (US 6,832,060).

Imaizumi et al. disclose the correction unit above, but do not disclose a first mode having higher precision and a second mode having reduced precision.

However, Tanaka et al. disclose a registration correction unit, including a manual color-drift correction unit, as shown by figures 53 and 54. Specifically, a user can set the repetition number so as to calculate registration control amounts at middle or low accuracy to deal with photograph images, and the number of times to repeat is set high to deal with CAD drawing or the like. See col. 74, lines 38-55. This reads on a first correction mode of more time and higher precision and a second correction mode of less time and reduced precision.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the registration correction unit of Imaizumi et al. with the manual correction unit taught by Tanaka et al. so the accuracy of the registration control amount can be controlled by a user or service engineer, which in turn makes it possible to further suppress registration deviations. See col. 74, line 51 - col. 75, line 7.

Claims 6, 19, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imaizumi et al. (US 6,327,453) in view of Taniwaki (US 6,310,681).

Imaizumi et al. disclose the correction unit above, but do not disclose that correction can be execute on a day-of-the week basis.

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However, Taniwaki disclose a similar correction unit, in which may be effected periodically, for example, every day, every several days, or every several weeks, which reads on a day-of-the-week basis. Col. 19, lines 39-45.

It would have been obvious to one of ordinary skill in the art to modify the registration correction unit of Imaizumi et al. with the registration correction schedule of Taniwaki so that proper registration can be performed periodically even when other factors, for example, number of copies or temperature inside the machine, do not initiate registration correction.

#### ***Allowable Subject Matter***

Claims 7, 8, 20, 21, 33, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Contact Information***

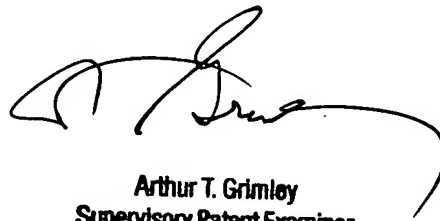
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2852

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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